IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1485 OF 2006
IN
APPEAL NO.350 OF 2001
IN
S.C. SUIT NO.1186 OF 1979

Balkrishna Appaya Shetty ..Appellants.
(Orig.Defts.)

Vs.

Hemant Harish Thakkar
& Ors. ..Respondents.
(Orig.Plffs.)

And

Manish Thakar ..Respondent.

Mr.G.B.Kedia for the Appellants.

Mr.Sharan Jagtiani with Mr.N.S.Rodrigues i/b.M/s.Desai & Diwani for the Respondent.

CORAM: DR.S.RADHAKRISHNAN AND S.J.VAZIFDAR, JJ.
DATED: 2ND AUGUST, 2006

P.C. :

Heard the learned counsel for the Appellants and the learned counsel for the Respondent.

2. We have perused the affidavit of Pankaji Harish Thakkar, Professional Manager of the Respondent, who has made a categorical statement that the said property has not been mortgaged to any party and there is no parting with possession of the said

premises and the same has not been handed over on a conducting basis.

3. In view of the said affidavit dated 21.6.2006, no further order is necessary in the above Notice of Motion, which stands disposed of accordingly.

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)